

Board of Appeal

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6/5/03
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of Woods

)
) Art Unit: 2673
)
) Examiner: L. Lao
)
) Atty Docket: WOO001

Serial Number 09/534,474

Filed March 24, 2000

For: USER FRIENDLY KEYBOARD

COMMUNICATION

Board of Patent Appeals & Interferences
Alexandria, VA 22313-1450


Sir:

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BOARD OF PATENT APPEALS
AND INTERFERENCES

In a communication received from the Primary Examiner in charge of the above-identified U.S. patent application dated January 9, 2003, the Applicant was informed that the above-identified application was forwarded to the Board of Patent Appeals & Interferences for a decision on the appeal filed in this case. At this time, in keeping with the utmost good faith and candor with the U.S. Patent and Trademark Office, the Applicant simply wishes to inform the Board that the corresponding application has been filed in the United Kingdom and Canada. An Office Action has been received in connection with the UK application (see copy enclosed). As clearly evident, the Applicant has received favorable results with respect to the claim limitations concerning the consecutive arranged multi-letter words and the arrangement of the shift keys as covered by independent claims 2 and 13. Of course, combination claim 1 correspondingly follows. However, the Board will note that an initial, unfavorable opinion has been received with respect to the subject matter of claim 7 concerning the relative location of the tab and backspace keys based solely on a secondary reference relied upon by the U.S. Patent Examiner in the current U.S. application. This position taken by the UK office will be traversed at least on the grounds that the angled left and right keyboard sections in the applied Chen patent have separate left and right rows which are not aligned but rather angled with respect

to each other such that the backspace and tab keys are not considered to be located in the same row as required by the claims. In any case, a different position has been clearly taken by the UK Patent Office as compared to the U.S.P.T.O., with the Applicant receiving favorable results on a majority of the claims contrary to that taken in the U.S. case. In any case, it was thought appropriate to bring this matter to the attention of the U.S.P.T.O. It is hopeful that the Board will take this information into consideration.

Respectfully submitted,



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Your ref: 74.79360
Application No: GB 0222284.2
Applicant: Debra L Woods

Examiner: Marc Collins
Tel: 01633 813580
Date of report: 17 February 2003

Latest date for reply: 18 August 2003

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Patents Act 1977 Examination Report under Section 18(3)

Basis of the examination

1. In the examination of your application I have taken account of the pages 25-27 you filed with your agent's letter of 29 October 2002 to amend the application as it was printed by WIPO during the international phase. I have not taken into account the International Preliminary Examination Report as it is not available to me at the time of carrying out the substantive examination on the present application. In a telephone conversation held on 17 February 2003, Mr. D Leckey agreed to supply a copy of the International Preliminary Examination Report for our file and consideration at a later stage.

Plurality of invention

2. Your claims define a number of separate inventions not forming a single inventive concept. The inventions are:

- (a) A known keyboard characterised by having one row that includes selected ones of letter keys arranged to spell out at least three, consecutively arranged multi-letter words when read from left to right, as in claims 1-5;
- (b) A known keyboard characterised by having both the tab and backspace keys centrally located within the letter keys and located in a row above the home row, as in claims 6-10;
- (c) A known keyboard characterised by having at least three shift keys located in a lower central portion of an array, grouped directly adjacent one another, and arranged in at least two of the multiple rows, said at least three shift keys being adapted to be engaged by thumbs of a user, as in claims 11-17.

3. You will need to amend your claims, so that they relate to only one invention or inventive concept. You will also need to make consequential amendments to the description. You may wish to consider filing divisional applications. Any such applications should normally be filed no later than 3 months before the expiry of the period for putting the present application in order.

4. The common matter shared between the above inventions is deemed to be anticipated by a conventional keyboard and a plurality objection appears justified.

5. Although plurality exists, I have updated the search for all three inventions identified above. Furthermore, I have considered the novelty and obviousness of all three of the



INVESTOR IN PEOPLE

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[Examination Report contd.]

inventions as noted above.

Inventive step of the second invention

6. The invention as defined in claims 6-10 is obvious in view of what has already been disclosed in the following document:

US 5739776 (CHEN)	See whole document especially figures 2 & 4, column 1, lines 8-25, column 2, lines 3-14, column 2, lines 39-49 and claim 1.
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7. US 5739776 discloses the tab and backspace keys disposed centrally and within the letter keys. A man skilled in the art would consider re-arranging the tab and backspace keys so that they are positioned above a home row for a more ergonomic configuration obvious, especially in light of the fact that claim 1 of US 5739776 is not limiting in the positioning of the tab and backspace keys within the chamber located between the letter keys.

Clarity, consistency and support

8. The summary of invention is inconsistent with claim 1. Furthermore, there are no statements of invention for the independent claims.

9. On page 17, line 9 it appears that the colours associated with the respective keys have been labelled incorrectly in order to be consistent with the rest of the description. ✓

10. On page 17, line 16, 'Shift key 14' should apparently read 'Shift key 15'. - o page 17

11. On page 18, line 18, 'command key 10, 12, 13, 15' should apparently read 'command key 10, 12, 14, 15'.